

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Sarah E. Campbell, Ken Hayward, and Marc J. Krolczyk)	Examiner: Yixing Qin
Serial No.	:	10/055,189)	Art Unit: 2625
Cnfrm. No.	:	9199)	
Filed	:	January 25, 2002)	
For	:	A METHOD AND SYSTEM FOR SHOPPING FOR A CONSUMABLE FOR A DEVICE)	

REQUEST FOR COMPLETE OFFICE ACTION AND PROVISIONAL ELECTION

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement mailed on June 12, 2007, Applicants hereby provisionally elect, with traverse, Figure 2, which reads on claims 1-7, 9-17, 19, 20, 31, 32, 34, 35, 37 and 38.

Specifically, Applicants traverse the restriction as being incomplete.

Applicants first point out that the Examiner has failed to provide any reasons why the species, as characterized, are independent or distinct, as required in MPEP § 809.02(a).

Additionally, Applicants point out the claims define related inventions. More particularly, Applicants contend that claims 21-27, 29, 30, 33, 36 and 39 are directed to a system corresponding to Figure 1, claims 1-7, 9-17, 19, 20, 31, 32, 34, 35, 37 and 38 are directed to either a method or a computer readable medium corresponding to Figure 2, and that the processes set forth in the claimed method and medium are related to one another and also to the claimed system because they are disclosed in an exemplary embodiment as being performed by the system (e.g., see paragraph 0023 of specification). As such, the Examiner should have provided not only a determination by the practice applicable to election of species, but also a determination as to the practice applicable to other types of restrictions, such as those covered in MPEP § 806.05 - § 806.05(j). See, MPEP § 806.04(b). However,

the Examiner failed to satisfy both of these requirements. Accordingly, the restriction is incomplete on a number of levels, and therefore improper.

Please note that this traversal, as outlined above, is based only on the Examiner's failure to follow proper procedure and does not include any argument or admission that the inventions are not distinct.

In view of all of the foregoing, Applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

Date: August 6, 2007

/Sean A. Pryor, Reg. # 48103/
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